

AO 91 (Rev. 11/11) Criminal Complaint

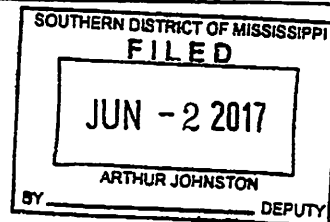
## UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America  
v.  
Gustavo MILLAN-Arizmendi

Case No. 1:17mj 39-JCG



Defendant(s)

**REDACTED**  
**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 29, 2017 in the county of Harrison in the  
Southern District of Mississippi, the defendant(s) violated:

*Code Section**Offense Description*

18 USC 2252(a)(4)(B)

Defendant did knowingly possessed, one or more books, magazines, periodicals, films, videotapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported/traveled using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported by any means, and the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and such visual depiction is of such conduct.

This criminal complaint is based on these facts:

See Affidavit, which is attached hereto and incorporated herein by reference.

☒ Continued on the attached sheet.

Complainant's signature

Todd Key, SA, Homeland Security Investigations

Printed name and title

Sworn to before me and signed in my presence.

Date: 2 JUN 17

Judge's signature

Hon. John C. Gargiulo/ U.S. Magistrate Judge

Printed name and title

City and state: Gulfport, Mississippi



between persons of the same or opposite sex; bestiality; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person. See 18 U.S.C. § 2256(2).

c. The term "minor" means any person under the age of eighteen years.

5. On May 29, 2017, US Customs and Border Patrol Agent (BPA) Todd Holland received intelligence of suspicious activity that involved a white 2000, Cadillac Escalade, (TX-HMN3958) registered to Julio Cesar FLORES-Popoca, [REDACTED] Tomball, Texas; traveling through Mississippi eastbound on I-10 at approximately 0422 hours. At approximately 1030 hours, the same vehicle was traveling westbound through Mississippi on I-10. BPA Holland in a marked BPA vehicle noticed the Escalade passing his location on I-10. BPA Holland observed the escalade suddenly change lanes for no apparent reason as if to avoid his presence. There was no traffic forcing the lane change due to speed or any other factor. The escalade did not return to its original lane of travel, it stayed in the middle lane of I-10. BPA Holland pulled out in an attempt to further investigate and attempt to fully identify the vehicle tag. As BPA Holland approached the vehicle, the driver (Gustavo MILLAN-Arizmendi, DOB-[REDACTED] 1988, COB-Mexico), made another lane change again for no apparent reason to the furthest outside lane without there being any other cars near him. The escalade was not passing any cars and BPA Holland could see him repeatedly look in his rear view mirror observing the BPA vehicle. BPA Holland pulled in behind the Escalade again and MILLAN-Arizmendi made another lane change without signaling creating a possible safety hazard. BPA Holland conducted the westbound traffic stop on I-10 at mile marker 34 in Harrison County.

6. BPA Holland identified himself as a Border Patrol Agent. BPA Holland asked MILLAN-Arizmendi for his driver's license. MILLAN-Arizmendi stated that he did not have one and presented a Mexican voter identification card. BPA Holland questioned MILLAN-Arizmendi as to his citizenship and MILLAN-Arizmendi stated that he was a citizen and national of Mexico. MILLAN-Arizmendi went on to state that he did not have the proper documents to be in or remain in the United States legally. MILLAN-Arizmendi was placed under arrest for being illegally present in the United States and was transported to the Border Patrol Station, Gulfport for processing.

7. During processing, database record checks revealed MILLAN-Arizmendi had been arrested by the Border Patrol one time previously but given a voluntary return. BPA Holland asked MILLAN-Arizmendi for consent to search his cellular phones. MILLAN-Arizmendi gave written consent to search his LG and Samsung cellular phones [on him at the scene]. While searching the video portion of MILLAN-Arizmendi's cell phones, BPA Holland found a large amount of pornographic material and videos. In two of the videos, there were boys that appeared to be prepubescent minors engaged in sexual explicit activity. BPA Holland stopped the search of the phones and contacted SA Key.


8. SA Key responded to the Border Patrol Station and initially reviewed the phones and observed a sexually explicit photo of two minors, a video of a prepubescent male in diapers engaged in sexually explicit contact with an adult female, approximately 1 minute and 30

seconds in length; a video of a prepubescent teen male and minor teen female engaged in sexually explicit contact, approximately 55 seconds in length; and a bestiality video of a male dog and female engaged in sexually explicit contact, approximately 2 minutes in length. MILLAN-Arizmendi consented to interview and SA Key interviewed him with BPA Spanish interpreter, Jorge Rodriguez. SA Key inquired about the videos on the cellular phones. MILLAN-Arizmendi explained he was part of a "What's App" group and received child pornography. MILLAN-Arizmendi didn't remember the name of the group but could show the name on his phone. The group name was: "Solo CP Del Bueno." MILLAN-Arizmendi claimed he was part of the group for about a month. MILLAN-Arizmendi claimed he deleted the group and videos but they added him back under a new phone number. SA Key explained that MILLAN-Arizmendi saved the videos in his gallery and the videos were not deleted. BPA Rodriguez explained that if MILLAN-Arizmendi looked at such from the agents' perspective it did not look like that occurred and MILLAN-Arizmendi agreed.

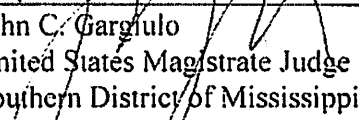
9. Based on the aforementioned facts and circumstances, your affiant believes there is probable cause that Gustavo MILLAN-Arizmendi is in violation of 18 USC 2252 (a)(4)(b), as the defendant did knowingly possess one or more matters that contained any visual depiction, using any means or facility of interstate or foreign commerce, or that had been mailed, shipped, or transported in interstate or foreign commerce, or which was produced using materials that had been so mailed, shipped, or transported, the production of which involved one or more minors, to include a prepubescent minor or minor who had not attained 12 years of age, engaging in sexually explicit conduct and the depiction was of such conduct; specifically, Gustavo MILLAN-Arizmendi possessed: an LG cellular device, IMEI-358858070923817, black in color; and a Samsung cellular device, baseband version-J700T1UVU3AQC3, white in color, all containing one or more file images, in digital or still or video format, that contained visual depictions, the production of which involved the use of a minor engaged in sexually explicit conduct, and was of such conduct, as defined in Section 2256, Title 18, United States Code; and such visual depictions traveled in interstate commerce from outside the State of Mississippi into the State of Mississippi with MILLAN-Arizmendi on or about May 29, 2017.

10. And, based on the foregoing, your affiant respectfully requests an arrest warrant be issued for Gustavo MILLAN-Arizmendi.

Respectfully submitted,

  
\_\_\_\_\_  
Todd Key  
Special Agent  
Homeland Security Investigations

Subscribed and sworn  
before me this the 2<sup>nd</sup> of  
June, 2017.



John C. Gargiulo  
United States Magistrate Judge  
Southern District of Mississippi